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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,731	09/10/2003	John M. Vincak	10532	3889

7590 05/28/2004

National IP Rights Center, LLC
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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,731

Applicant(s)

VINCAK, JOHN M.

Examiner

Jon A Szumny

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the first office action for application number 10/659,731, Work Stand, filed on September 10, 2003.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The disclosure is objected to because of the following informalities:

In the abstract, line 1, "A work stand is disclosed. The" should be --A--.

Appropriate correction is required.

Claim Objections

Claims 8 and 9 are objected to because of the following informalities:

In claims 8 and 9, the first occurrence of "the interior" and "the exterior" should be --an interior-- and --an exterior--, respectively, so as to avoid lack of antecedent basis issues.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 depends back to itself. For the purposes of this office action, the Examiner will assume claim 3 depends back to claim 2.

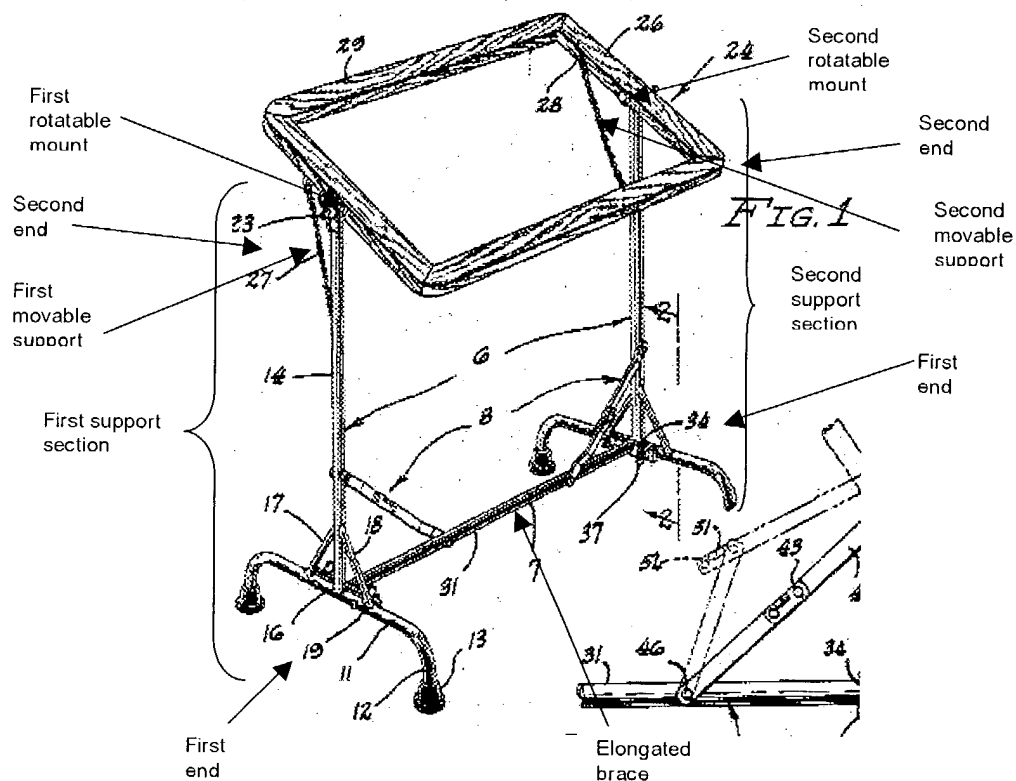
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

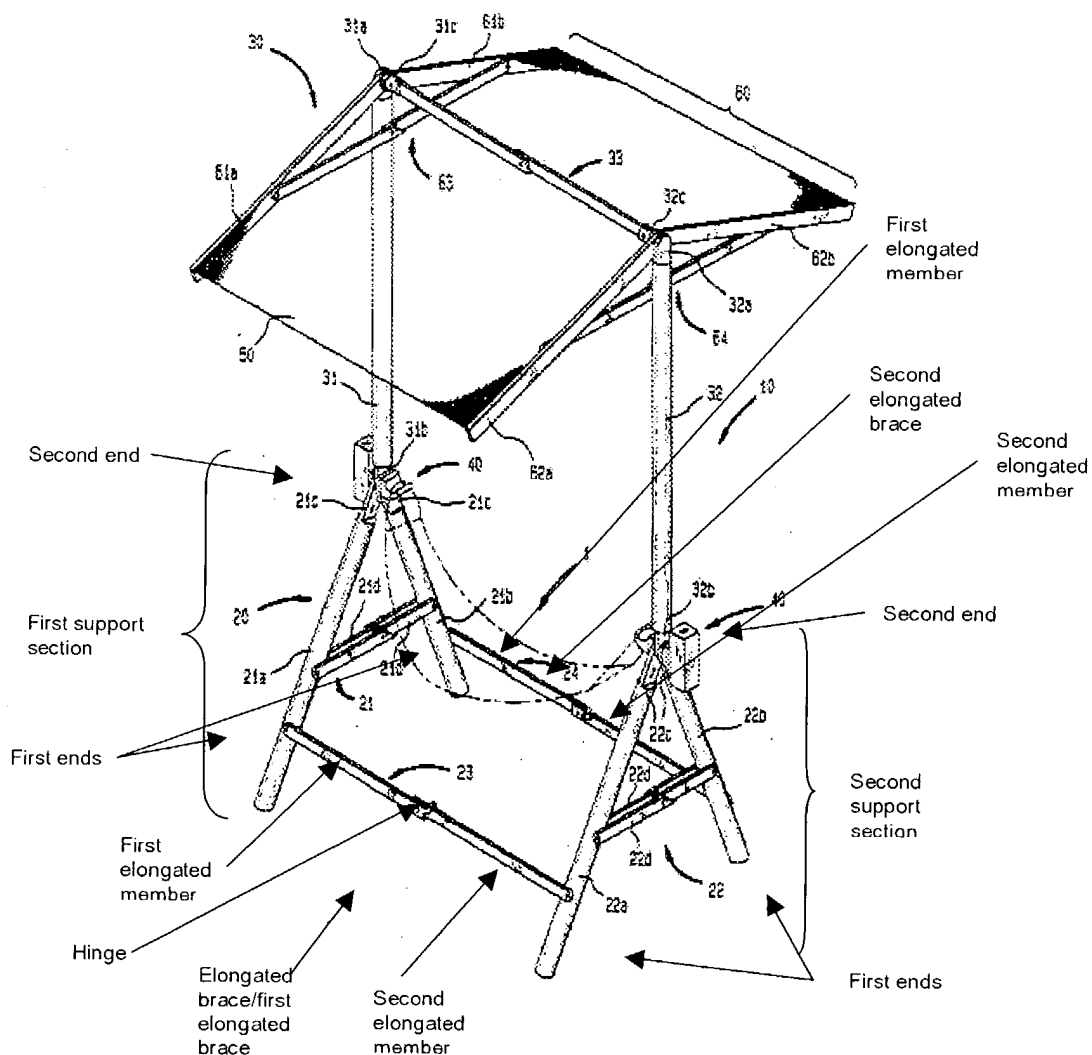
Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 2,675,981 to Ferris.



Ferris '981 discloses a stand (above) comprising first and second support sections (above) each having first and second ends, a first rotatable mount (above) disposed upon the first support section proximate to the second end thereof ("proximate" is defined in Merriam Webster's Collegiate Dictionary - 10th Edition as being "close," so clearly, the first rotatable mount is disposed "close" to second end of the first support section; further, all subsequent uses of the term "proximate" in this office action will use the same meaning, and all features being compared as "proximate" are clearly "close" to one another), a second rotatable mount (above) disposed upon the second support section proximate to the second end thereof, an elongated brace (above) having a first end (left end of elongated brace above) attached to/disposed on the first support section proximate to the first end thereof and a second end (right side

of elongated brace above) attached to/disposed on the second support section proximate to the first end thereof, a first movable support (above) disposed upon the first support section proximate to the first rotatable mount and beneath the first rotatable support, a second movable support (above) disposed upon the second support section proximate to the second rotatable mount and beneath the second rotatable mount.

Claims 1-4 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,046,203 to de Cuadros.



Regarding claims 1-4, 10 and 11, de Cuadros '203 discloses a stand (above) comprising first and second support sections (above) each having first and second ends, a first rotatable mount (41, it can rotate about the threads) disposed upon the first support section proximate to the second end thereof, a second rotatable mount (41, it can be rotated about the threads) disposed upon the second support section proximate to the second end thereof, an elongated brace (above) having a first end (left end of elongated brace above) attached to/disposed on the first support section proximate to the first end thereof and a second end (right side of elongated brace above) attached to/disposed on the second support section proximate to the first end thereof, wherein the elongated brace further comprises a first elongated member (above) having first and second ends (left and right sides respectively, above), and a second elongated member (above) having first and second ends (right and left sides respectively, above), whereby the first end of the first elongated member is pivotally attached to the first support section proximate to the first end of the first support section, the first end of the second elongated member is pivotally attached to the second support section proximate to the first end of the second support section, and the second end of the first elongated member is pivotally attached to the second end of the second elongated member, wherein a hinge (above, 33f, see column 3, lines 35-52).

Further, regarding claim 12, de Cuadros '203 teaches the first support section to have first and second legs (21a,21b) each having first and second ends (above), wherein the second ends of the first and second legs are substantially together and the first ends of the first and second legs are substantially apart, and the second support

section to have first and second legs (22a,22b) each having first and second ends (above), wherein the second ends of the first and second legs are substantially together and the first ends of the first and second legs are substantially apart,

wherein the stand further includes a first support brace (21d) having a first end connected to the first leg of the first support section proximate to the first end of the first leg of the first support section, and the second end of the first support brace is connected to the second leg of the first support section proximate to the first end of the second leg of the first support;

wherein the stand includes a second support brace (22d) having a first end connected to the first leg of the second support section proximate to the first end of the first leg of the second support section, and the second end of the second support brace is connected to the second leg of the second support section proximate to the first end of the second leg of the second support section;

wherein the above mentioned elongated brace is a first elongated brace, wherein the first elongated member of the first elongated brace has a first end pivotally attached to the first leg of the first support section proximate to the first end of the first leg of the first support section, wherein the first end of the second elongated member of the first elongated brace is pivotally attached to the first leg of the second support section proximate to the first end of the first leg of the second support section, and the second end of the first elongated member of the first elongated brace is pivotally attached to the second end of the second elongated member of the first elongate brace,

wherein the stand further includes a second elongated brace (above), wherein a first elongated member of the second elongated brace has a first end pivotally attached to the second leg of the first support section proximate to the first end of the second leg of the first support section, wherein the first end of a second elongated member of the second elongated brace is pivotally attached to the second leg of the second support section proximate to the first end of the second leg of the second support section, and the second end of the first elongated member of the second elongated brace is pivotally attached to the second end of the second elongated member of the second elongate brace.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris '981.

Ferris '981 discloses the previous invention wherein it appears the first and second movable mounts are respectively mounted on the inside or outside of the first and second support sections, but it is not completely clear whether they are in fact mounted on either the inside or the outside of the support sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

respectively mounted the first and second movable mounts on the inside or outside of the first and second support sections so as to either provide easier access to the movable mounts (if mounted on the outside) or to provide greater concealment of the movable mounts for aesthetical reasons (if mounted on the inside). Further, either configuration would provide sufficient support of an object utilizing the stand.

Conclusion

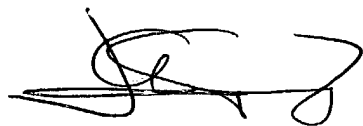
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. German Patent number 4020033, Larew '852, Young '541, An '563, Curran '758, Gottfredson et al. '470, Yatchak et al. '863, Olstad '197 and Edgerton '668 teach various stands with support sections, legs and braces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the receptionist whose telephone number is
(703) 308-1113.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a stylized flourish at the end.

Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
May 25, 2004